

# Exhibit 2

## SURVEY OF JUDICIAL OFFICERS

**HONORABLE CATHY L. WALDOR**

United States Magistrate Judge

**JUDGE ASSIGNMENT:**

Magistrate Judge Waldor is teamed with Judges Chesler, Hayden and Walls.

**STANDING ORDERS:**

As part of the initial scheduling order, Magistrate Judge Waldor requires that "Counsel for any party who appears at any conference is to have full authority to settle the case. Any failure in this regard shall result in the imposition of sanctions."

**PROCEDURE TO ADMIT COUNSEL PRO HAC VICE:**

Magistrate Judge Waldor requires a consent order or, when consent cannot be obtained, a formal motion, usually without oral argument.

**MOTION PRACTICES:**

*Generally:* No formal motions, except motions to dismiss in lieu of an answer, may be filed without leave of Court.

*Dispositive Motions:* Magistrate Judge Waldor utilizes the procedures of L.Civ.R. 7.1(b), and does not utilize special procedures for dispositive motions.

*Motions to Seal:* Motions to seal must comply with L.Civ.R. 5.3. A hard copy of the document or documents sought to be sealed must be mailed, in a sealed envelope marked "Confidential Materials subject to Motion to Seal," to chambers. Unless the entire document is sought to be kept under seal, the motion to seal must also be accompanied by a proposed redacted version of the document, to be filed unsealed.

*Schedule:* Magistrate Judge Waldor does not convene a regular calendar. Motions are scheduled on dates and times that are convenient to all parties, often on short notice.

*Discovery Disputes:* Magistrate Judge Waldor reminds counsel of their obligation to meet and confer to attempt to resolve discovery disputes without the Court's intervention. L.Civ.R. 37.1. Should counsel fail in this effort, the party raising the dispute should submit a brief letter (not to exceed 5 pages) advising the Court of the dispute. The nonmoving party should submit a response within 2 days (not to exceed 5 pages). Thereafter, Magistrate Judge Waldor will either conduct an informal oral argument, enter an appropriate briefing schedule, or order the parties to meet and confer to prepare joint submissions.

**COMMUNICATIONS WITH THE COURT:**

Magistrate Judge Waldor does not permit submission of papers by email. Short submissions (10 pages or less) may be faxed to 973-776-7865 only with advance permission from Chambers (see also Copies of Papers, below). Magistrate Judge Waldor permits communications with her staff but reminds counsel that neither the Deputy Clerk nor the Law Clerks have the authority to grant continuances and that legal advice will not be given. Questions regarding CM/ECF and e-filing should be directed to the Clerk's Office.

**COPIES OF PAPERS:**

One copy of all filed papers should be sent by regular mail. Counsel may submit joint discovery plans, confidential letters, informal adjournment requests, and informal requests for extensions of deadlines via facsimile. Unless instructed otherwise by a member of chambers staff, counsel should not mail the original copy of the document submitted by facsimile. Copies of dispositive motions need not be submitted to chambers.

## APPENDIX 2

### TRIAL PRACTICES:

*Jury Selection:* Counsel should contact the Courtroom Deputy Clerk with questions regarding jury selection.

*Method for Peremptory Challenges:* Magistrate Judge Waldor prefers that counsel stand and announce their peremptory challenges.

*Effect of Pass in Peremptories:* Magistrate Judge Waldor will permit only one pass by a party without forfeiture.

*Juror Note Taking:* Magistrate Judge Waldor permits jurors to take notes in both civil and criminal cases with the consent of counsel.

*Juror Questioning:* Magistrate Judge Waldor has no fixed practice at this time regarding permitting jurors to submit questions to the Court to be posed to witnesses.

*Jury Charges:* Magistrate Judge Waldor provides jurors with a written copy of the jury charge. She occasionally charges the jury on substantive matters at the beginning of a trial or mid-trial with the consent of counsel. She will charge the jury on the substantive law before closing arguments with the consent of counsel.

*Exhibits:* Magistrate Judge Waldor normally sends all exhibits admitted into evidence into the jury room. The Courtroom Deputy Clerk shall take custody of exhibits marked in evidence, except firearms, narcotics or similar evidence.

*Conference with Jurors:* Magistrate Judge Waldor may meet with jurors after a verdict but counsel and parties are prohibited from doing so.

### PROBATION REPORT:

Magistrate Judge Waldor will not ordinarily permit the defendant or counsel for either party to review the Probation Department's recommendations regarding sentencing.

### PARTICULAR CONCERNS:

(1) Magistrate Judge Waldor requires that joint discovery plans and confidential letters must be received 7 days prior to the conference;

(2) No formal motions may be filed without leave of court. If a party wishes to file a formal motion, the basis for the motion must first be set forth in a letter to the court;

(3) It is expected that parties will have conferred prior to each conference, will be prompt and will abide by traditional rules of civility and professionalism.

(4) Trial counsel and clients with full settlement authority must attend all settlement conferences in person, absent leave of court.